

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

HECTOR FELIX-TEJADA

Case No.

22-MJ-454

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 10, 2022 in the county of Chester in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

8 U.S.C. Section 1326(a), (b)(1)

Offense Description

Hector Felix-Tejada, an alien, and native and citizen of Mexico, who had previously been deported from the United States on or about December 27, 2007 and September 16, 2015 was found in the United States, having knowingly and unlawfully reentered the United States without first applying to the Attorney General or his successor, the Secretary for the Department of Homeland Security, for permission to reapply for admission, and without receiving in response the express consent to reapply for admission, in violation of 8 U.S.C. Section 1326(a), (b)(1).

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet./s Crystal Marcinkevich*Complainant's signature*Crystal Marcinkevich, Deportation Officer, ICE*Printed name and title*

Sworn to before me and signed in my presence.

Date: 03/18/2022/s Richard A. Lloret*Judge's signature*City and state: Philadelphia, PAHON. RICHARD A. LLORET, USMJ*Printed name and title*

AFFIDAVIT

1. I, Crystal Marcinkevich, am a Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have served as a Deportation Officer with ICE since February 15, 2009. As a Deportation Officer, I conduct investigations related to violations of the Immigration and Nationality Act, specifically foreign-born nationals who have been deported from the United States and subsequently re-entered the United States illegally. I am currently assigned to the ICE Enforcement and Removal Operations, Philadelphia, Pennsylvania field office and my duties include investigating violations of Title 8 of the United States Code (“U.S.C”) to include violations of immigration offenses.

2. I have prepared this affidavit in support of a criminal complaint against Hector FELIX-Tejada (“FELIX-Tejada”), because there is probable cause to believe FELIX-Tejada, an alien, re-entered the United States after removal, in violation of Title 8, U.S.C. § 1326(a), (b)(1).

3. On March 7, 2022, information was received that FELIX-Tejada had been arrested by the Kennett Square Police Department and charged with Driving Under the Influence of Alcohol- Incapable of Driving Safely, Driving Under the Influence of Alcohol-BAC .16% or Greater, Driving without a License, No Headlights, and Restriction on Alcoholic Beverages. Based on my training and experience, any time a police department or other law enforcement agency runs the fingerprints of any alien, that is an individual who is not a United States citizen or national, who has previously been encountered by ICE or another immigration agency, ICE receives electronic notification of this fact and any match to the alien’s known fingerprint identification number. The electronic notification showed that the Chester County Prison had

recently run FELIX-Tejada's fingerprints, which suggested that FELIX-Tejada, with FBI# 338737TC5, was in custody at Chester County Prison.

4. On March 10, 2022, I conducted a check in the National Crime Information Center ("NCIC") database for FELIX-Tejada's criminal history, as well as his immigration history. Under the FBI number provided (338737TC5), I discovered that FELIX-Tejada had been convicted of Indecent Assault on December 3, 2007 in the Chester County Court of Common Pleas. For this offense, FELIX-Tejada was sentenced to a minimum of 133 days and a maximum of 23 months' confinement. FELIX-Tejada was also convicted of Corruption of Minors. For this offense, FELIX-Tejada was sentenced to two years' probation. I also learned that FELIX-Tejada had previous encounters with ICE. Further checks in the Enforcement Alien Removal Module ("EARM") database were conducted for FELIX-Tejada's immigration history in the United States. I found that FELIX-Tejada had been encountered by ICE and issued a Notice to Appear on July 26, 2007 pursuant to Section 212 (a)(6)(A)(i) of the Immigration and Nationality Act, as amended ("INA"). FELIX-Tejada was removed from the United States on December 27, 2007 to Mexico. On September 2, 2015, FELIX-Tejada was arrested by ICE in Philadelphia and served a Reinstatement of Prior Removal Order pursuant to Section 241(a)(5) of the INA. FELIX-Tejada was removed from the United States for a second time on September 16, 2015 to Mexico.

5. Based on my training and experience, I know that ICE maintains a file on all aliens encountered by ICE. This file, known as the Alien File ("A File"), contains documentation relating to the alien, including his/her photograph, warrants of deportation, fingerprints, documents reflecting criminal history, documents reflecting the country of citizenship, and other documents. Each alien is assigned an identification number, referred to as the "Alien Number."

A search of ICE databases revealed that FELIX-Tejada has been assigned Alien Number 099 940 025.

6. On March 10, 2022, based on my review of DHS's electronic databases I have made the following conclusions:

- a. FELIX-Tejada is a citizen and national of Mexico.
- b. This affidavit and the Complaint to which it is attached correctly reflect FELIX-Tejada's name.
- c. On July 26, 2007, FELIX-Tejada was issued a Notice to Appear by ICE Officers pursuant to Section 212(a)(6)(A)(i) of the INA.
- d. On December 13, 2007, FELIX-Tejada was ordered removed pursuant to Section 212(a)(6)(A)(i) of the INA.
- e. The United States, pursuant to a Warrant of Deportation/Removal, removed FELIX-Tejada on or about December 27, 2007 to Mexico.
- f. On September 2, 2015, FELIX-Tejada was issued a Reinstatement of Prior Removal Order by ICE Officers pursuant to Section 241(a)(5) of the INA.
- g. The United States, pursuant to a Warrant of Deportation/Removal removed FELIX-Tejada on or about September 16, 2015 to Mexico.
- h. A search of ICE databases revealed that FELIX-Tejada did not seek or obtain permission of the United States Attorney General, or his successor, the Secretary of the Department of Homeland Security, to re-enter as required by 8 U.S.C. §1360(d).

7. Based on all of the foregoing, I respectfully submit that the facts set forth in this Affidavit demonstrate that there is probable cause to conclude that FELIX-Tejada illegally re-

entered the United States after removal in violation of 8 U.S.C. § 1326(a), (b)(1). I therefore respectfully ask that the Court issue a warrant ordering his arrest for such crime.

/s Crystal Marcinkevich
Crystal Marcinkevich
Deportation Officer
Immigration and Customs Enforcement

Sworn To And Subscribed Before Me
This 18th day Of March 2022.

/s Richard A. Lloret
HONORABLE RICHARD A. LLORET
United States Magistrate Judge